

competently thereto.

2. According to the Court's Order of August 29, 2014, Plaintiffs were to file *and serve* an amended complaint by September 12, 2014, to which Defendant was to file a responsive pleading by October 10, 2014. If the amended complaint was not served, there would be no response due and Defendant was then to submit a proposed Judgment.
3. Plaintiffs having failed to serve their amended complaint by October 10, 2014, Defendant proceeded to file and serve a proposed judgment on the afternoon of October 10, 2014.
4. On October 12, 2014, I received an email from Plaintiffs' counsel (Sean Gavin) which attached a copy of a notice of *filing* generated by the Court's electronic filing system for Plaintiffs' Amended Complaint. Mr. Gavin's email stated, in relevant part: "The attached email clearly shows that you received notice of the Amended Complaint *on September 15, 2014.*" A true and correct copy of this email exchange, including the electronic filing notice generated by the Court and forwarded to me by Mr. Gavin as proof of receipt of the notice of filing, is attached hereto as Exhibit "1." I informed Mr. Gavin that I had still not been properly served by return email that same day.
5. The very next day, on October 13, 2014, I received an email from Sayra Ramos-Martinez of Mr. Gavin's office which had attached to it an uncaptioned proof of service of Plaintiffs' Amended Complaint via regular US Mail; this document was purportedly executed on September 12, 2014. A true and correct copy of Ms. Sayra Ramos-Martinez' email with attached proof of service by mail is attached hereto as Exhibit "2." Curiously, the proof of service by mail was not filed by Plaintiffs until October 13, 2014, the same day I received a copy via email.
6. Notwithstanding what Plaintiffs' belated proof of service states, I have never received a copy of Plaintiffs' Amended Complaint from Plaintiffs via email, mail or otherwise and my office has no record of receiving same.

1
2 I declare under penalty of perjury of the laws of the State of California that the foregoing
3 is true and correct and that this declaration was executed in Sacramento, California.

4 Dated: October 14, 2014

5 /s/ Stephen C. Ruehmann
6 Stephen C. Ruehmann, Esq.
7 Attorney for Defendant CHRISTOPHER
8 BECK CROSBY
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EXHIBIT 1

From: Steve Ruehmann [mailto:steve@ruehmannlawfirm.com]
Sent: Sunday, 12 October 2014 dd MMMM yyyy
To: Sean Gavin
Cc: Sayra Ramos-Martinez
Subject: Re: Sandoval v. Crosby/proposed Judgment

And the attached email merely proves you filed. You failed to serve.

From: Sean Gavin <sean@foosgavinlaw.com>
Sent: Sunday, October 12, 2014 1:32 PM
To: Steve Ruehmann
Cc: Sayra Ramos-Martinez
Subject: RE: Sandoval v. Crosby/proposed Judgment

Mr. Ruehmann,

The attached email clearly shows that you received notice of the Amended Complaint on September 15, 2014. My paralegal is not until in tomorrow, but I will follow up with her regarding the service. Either way, a judgment is not appropriate at this point.

Please call or email me tomorrow to discuss.

Thank you.

Respectfully,

- Sean Gavin



SEAN GAVIN, ESQ.
Attorney at Law

3947 Lennane Drive, Suite 120
Sacramento, CA 95834
PH 916.779.3500
FX 916.779.3508

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From: Steve Ruehmann [mailto:steve@ruehmannlawfirm.com]
Sent: Friday, October 10, 2014 3:31 PM
To: Sean Gavin
Subject: Sandoval v. Crosby/proposed Judgment

From: DoNotReply@caeb.uscourts.gov <DoNotReply@caeb.uscourts.gov>

Sent: Monday, September 15, 2014 11:54 AM

To: sgavin@bowmanandassoc.com; sayra@bowmanandassoc.com; sayra@bowmanandassoc.com; Sean Gavin; Sayra Ramos-Martinez

Subject: Notice Of Filing 2013-02306-42 Sandoval et al v. Crosby - Amended Complaint (eFilingID: 5321239)

The document listed below, received from Sean Gavin on 9/12/2014 at 3:41 PM, was successfully docketed and, if not a Statement of Social Security Number(s), an Amended Statement of Social Security Number(s), or a transcript of federal courtroom proceedings, may now be accessed by the public. Statements of Social Security Number(s) and Amended Statements of Social Security Number(s) are "submitted" rather than "filed." Consequently, although their submission is noted on the docket, Statements of Social Security Number(s) and Amended Statements of Social Security Number(s), are not part of the court record available for viewing by parties, the bar, and/or the public. Pursuant to Judicial Conference policy and Local Bankruptcy Rule 9037-1, remote electronic access to transcripts of federal courtroom proceedings is restricted for 90 days after filing to attorneys who purchase a copy from the court reporter.

Adversary Number: 2013-02306

Document Number: 42

Filed: 9/12/2014

eFilingID: 5321239

Docket Text: Amended Complaint filed by Plaintiff Jaime Sandoval, Mary Sandoval (msam)

Unless it is a Statement of Social Security Number(s), an Amended Statement of Social Security Number(s), or a transcript of federal courtroom proceedings, you may access and view this document once free of charge within the next 15 days by clicking [here](#). If it is a Statement of Social Security Number(s), an Amended Statement of Social Security Number(s), or a transcript of federal courtroom proceedings, you will be denied access to, and unable to view, the document.

Notice of the filing of this document has been electronically mailed to the following registered participants who have appeared in adversary number 2013-02306:

Sean Gavin (sgavin@bowmanandassoc.com; sayra@bowmanandassoc.com; sayra@bowmanandassoc.com; sean@foosgavinlaw.com; sayra@foosgavinlaw.com)

Steve Ruehmann (jordan@ruehmannlawfirm.com; steve@ruehmannlawfirm.com)

If you have any questions, please contact the [USBC-CAE Automation Helpdesk](#) at (916) 930-4460.

EXHIBIT 2

From: Sayra Ramos-Martinez <sayra@foosgavinlaw.com>
Sent: Monday, October 13, 2014 8:17 AM
To: Steve Ruehmann; Sean Gavin
Subject: RE: Sandoval v. Crosby/proposed Judgment

Hello Mr. Ruehmann:

Attached please find a copy of the Proof of Service for the Sandoval's First Amended Complaint. Mr. Gavin is out of the office today at a mediation in Oakland. If you wish to discuss this with him you may reach him by e-mail.

Thank you,

Sayra Ramos-Martinez

Paralegal to Attorney Sean Gavin



DAVID P. FOOS, ESQ.
Attorney at Law
Commissioner, Sacramento Superior Court, Retired

SEAN GAVIN, ESQ.
Attorney at Law

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PROOF OF SERVICE

In re: Christopher Beck Crosby
Jaime Sandoval v. Christopher Beck Crosby
U.S. District Bankruptcy Court Case No. 13-27293
Adversary Case No. 13-2306

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is 3947 Lennane Drive, Suite 120, Sacramento, California 95834. On September 12, 2014, I served the following document(s):

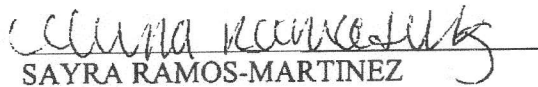
**FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND OBJECTING
TO DISCHARGEABILITY OF DEBT**

on the following person(s) by the method(s) indicated below:

Stephen C. Ruehmann
RUEHMANN LAW FIRM, P.C.
770 L Street, Suite 950
Sacramento, CA 95814

[X] by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, for deposit in the United States mail at Sacramento, California addressed as set forth herein. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States and the State of California that the above is true and correct. Executed at Sacramento, California on September 12, 2014.


SAYRA RAMOS-MARTINEZ